

December 14, 2007

Town of Lincoln – Planning Board

100 Old River Road

Lincoln, RI 02865

Dear Honorable Members,

On December 11, 2007, at 3:30 pm, the Technical Review Committee met to review the agenda items for the December 19, 2007 meeting of the Planning Board. In attendance were Al Ranaldi, Russell Hervieux, Margaret Weigner, Kim Wiegand, and Fred Ordonez. Below are the Committee's recommendations:

Major Subdivision Review

- a. Vernon Estates AP 26 Lot 2 Master Plan Discussion /
- JCM, LLC Jenckes Hill Road Approval**

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the project's need for a dimensional variance for the lot width. The new proposed lot would only have 50 feet of frontage while the zoning for this area requires 150 feet of frontage. The applicant will have to

apply to the Zoning Board for this relief. In order for this to proceed, the applicant would need conditional master plan approval of the plan according to Section 6(A)1 of the Subdivision Regulations.

The plan received a Certificate of Completeness on September 24, 2007 in which the Planning Board has 120 days (January 22, 2008) to approve the Master plan as submitted, approve with changes and/or conditions, deny the application, or within such further time as may be consented to by the applicant. The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Minor Subdivision Plan for Vernon Estates," on Jenckes Hill Road AP 26 Lot 2, in Lincoln, Rhode Island, prepared for property owner; Melissa McKee, and Developer JCM, LLC by Darveau & Associates, Inc., dated August 16, 2007; Land Use Report by Mr. Edward Pimentel dated December 5, 2007.

At Master Plan level, the application meets all of the technical subdivision requirements. While the applicant has not submitted water and sewer availability letters yet, the public services are available to the parcel. Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site. This would be a condition of this subdivision and required at the building permit stage. Due to the known seasonal high groundwater in this area, a condition of any approval must include the specification that no

finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator. A certified seasonal high groundwater elevation must be established prior to the release of any building permit. This condition should be included on the final plans. In addition, roof drainages will be required for the proposed house. This would be a condition of this subdivision and required at the building permit stage. Jenckes Hill Road is a State road and requires a Physical Alteration Permit from RIDOT for any new access to the State right of way. A Physical Alteration Permit must be obtained as a condition of this subdivision.

The developer would also be required to obtain a permit from Narragansett Bay Commission for the additional connection to the public sewer as a condition of this subdivision.

Consistency with the Comprehensive Plan and Land Development and Subdivision Regulations

The Technical Review Committee feels that the project is inconsistent with the 2003 Updated Lincoln Comprehensive Plan and the General Purpose of Land Development and Subdivision Review Rules and Regulations which have been developed and will be maintained in accordance with RIGL 45 23 and the Lincoln Comprehensive Plan (which complies with RIGL 45.22.2) and the Lincoln Zoning Ordinance (which complies with RIGL 45.24 27 et seq.)

As presented in the Land Use element of the Comprehensive Plan, the Town of Lincoln has been successful at managing its land use development by following the Comprehensive Plan and the Zoning

and Subdivision Regulations. The 2003 Comprehensive Plan Update points out that the pressure to deviate from these plans will become greater as the amount of available vacant land decreases. This project is a clear indication of the pressures the Town will be confronted within the future (2003 Comprehensive Plan – Land Use Element).

Within Section 1 of the Subdivision Regulations, the general purposes of the regulations are presented. The TRC reviewed the purposes that the regulations are intended to address and feel that this project does not promote or address several of these purposes. Specifically, the TRC feels that this project does not promote or address subdivision purposes number 2 – 5 (2005 Land Development and Subdivision Regulations, page 3).

The Planning Board held a public informational meeting for this project on November 28, 2007. No additional concerns were presented at this meeting. However, based on the above noted inconsistencies with the 2003 Updated Comprehensive Plan and the general purposes of the 2005 Land Development and Subdivision Regulations, and the Zoning Ordinance, the Technical Review Committee recommends Denial of this application. The TRC has enclosed a Motion to Deny report that details the elements and section of the Comprehensive Plan and the sections of the Land Development and Subdivision Regulations that the TRC feels this application is not consistent with.

b. Lincoln Meadows II AP 45 Lots 2, 181, & 353 Preliminary Plan Extension

- Angellin, LLC Angell Road

This Preliminary Plan application is under the 2005 Subdivision Regulations and represents the subdivision of three lots into twenty-one conventional single-family lots. The project received Preliminary Plan approval on February 22, 2006, and was granted its first preliminary plan extension until February 22, 2008. The applicant has successfully completed Lincoln Meadows I, which is related to this project. According to the applicant, they have completed 50% of the public improvements for Lincoln Meadows II. The applicant is requesting an additional one year extension to complete the project. The TRC has reviewed the application and recommends approval of this request; however, the TRC would like to remind the developer that this is their second extension and would like to see significant work on the project when weather permits. The Preliminary Plan approval would run until February 22, 2009.

c. Angell Road Subdivision – Phase 2 & 3 AP 44 Lots 12, 90 Preliminary Plan Extension -

- Angell Road Development Co. Angell Rd, Whipple Rd Phase 2 and 3

This project represents the subdivision of one lot into thirteen conventional single-family lots. The entire project received

Preliminary Plan approval on December 14, 2004 and was extended for an additional year on January 25, 2006. The applicant had until December 14, 2007 to receive Preliminary Plan approval. On October 24, 2007, the applicant received approval for a three phase phasing plan for the project. The applicant is in the process of completing the requirements for final plan on Phase I of the project. The applicant has completed significant public improvements on the entire project and has also amended the original project to include two additional lots. Due to weather conditions, the applicant was unable to complete the public improvements for the Phase 3 section. They are requesting a one year extension of preliminary plan for Phase 2 and 3 of the project. The TRC has reviewed the application and recommends approval of this request. The Preliminary Plan approval would run until December 14, 2008.

d. The Hills of Monticello Subdivision AP 40 Lots 30 and 31 Preliminary Plan Discussion /

- R.H. Jergensen Construction Co. Albion Road Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of two residential lots into fourteen single-family residential lots. All lots are accessed from a proposed roadway ending in a cul de sac. Another cul de sac is located off of the proposed main roadway. The subject project is located in zoning district RA-40 (40,000 square feet – Residential Single Family). On December 13, 2007, the project received a Certificate of

Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by April 11, 2008, or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above-proposed subdivision according to the 2005 Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. This project is in front of the Planning Board for a preliminary plan discussion / approval. The submission includes a set of plans entitled “The Hills of Monticello, Albion Road”, AP 40, Lots 30 & 31, in Lincoln, Rhode Island, prepared for R.H. Jergensen Construction Co. by Pare Corporation dated November 2007. Also reviewed were, “Hydrologic Analysis & Hydraulic Design” dated August 2007 by the above engineer for R.H. Jergensen Construction Co., a report entitled “Wastewater Flow Projections” dated 8/17/2007 by the above engineer, and comment letters from RIDEM and RIDOT. The following are concerns that the TRC has about the proposed development.

Site Plan

The following waivers were approved at master plan:

- **Length of cul de sac: 570 feet greater than allowed in the RA-40 zone.**
- **Lot width to length ratio for lots 8, 9, 10 and 30.**

A waiver is also required for the end of the cul de sac for the 2% grade where 1% is the required subdivision standard. The steeper grade at and in the cul de sac has minimal impact, allows for better access to the detention basin and fits the topography. The Engineering office recommends approval of the waiver in this specific case.

There are several details that will need to be included for construction plans:

- **Curb cuts for the detention basins and house lots.**
- **Revised sidewalk/ curb lock detail.**
- **Landscaping plans including any plantings to be required by RIDEM.**
- **Top and bottom elevations of the retaining walls.**
- **Guardrail at the top of the retaining walls.**
- **Reference elevation benchmark.**
- **Revised sewer manhole to conform to Town standards.**
- **Less steep access road to the detention basin on lot 8.**
- **A revised easement area for lot 8 to encompass the retaining wall where it supports the grades for the detention basin.**

There are several high retaining walls proposed for this project. The TRC would like to see the top and bottom elevation of the proposed retaining walls on the plans. Also, the proposed retaining wall on Lot

8 will be privately owned. However, this wall is integral to the construction and performance of the detention basin built next to it. The TRC recommends that the easement line be expanded to include more area around the wall and the detention basin so appropriate easement language can be developed and included in the lot specific deed restriction. This language should limit what future homeowners can do around this wall.

Since there are several high retaining walls, it is recommended that as a condition of the approval the engineer of record oversees the construction of the retaining walls and submit written approval for the Town's acceptance of the retaining walls. Protection of the retaining wall on this lot must be part of lot specific deed restrictions. A planting plan will need to be submitted and review as part of the preliminary plan review stage. Also, pre-blast surveys would be required and it is recommended that this be made as condition of the preliminary plan approval. Since this parcel of land is surrounded by publicly owned open space, the TRC recommends that the developer incorporate a public walk way between two of the proposed lots so the public can have access to the open space.

Traffic/ Offsite Drainage

Albion Road is a State road. The access to the subdivision will require a Physical Alteration Permit from RIDOT. Comments from RIDOT regarding the PAP have been reviewed. Concerns about traffic and offsite drainage appear to be successfully mitigated by the applicant. A Physical Alteration Permit must be obtained as a

condition of this subdivision.

Drainage

Public Works has sent a letter to RIDOT stating that the Town is willing to accept ownership and responsibility for maintenance of the proposed drainage system on the north side of Albion Road. This drainage system, to be installed by the developer, is intended to mitigate existing drainage problems in Meadowbrook Road, the residential area directly opposite on the south side of Albion Road. Storm water runoff is proposed to be collected and redirected to the stream on the north side of Albion Road. The detention basins need to have gravel roads with curb cuts for access and maintenance. The individual homeowner on whose lot the basin is located must be responsible for keeping the area clear and clean, as well as any maintaining the landscaping.

Wetlands/Groundwater

The proposed development has been submitted to RIDEM Wetlands for a preliminary determination permit. Comments from the RIDEM have been reviewed; some of the issues raised by RIDEM are the same as the Town's: what will be the impact to the abutting residence at 317 Albion Road from storm water discharged into the wetland and what are the top and bottom elevations of the retaining walls. A RIDEM Wetlands Permit must be obtained as a condition of this subdivision.

The Town Engineer witnessed test pits at the locations associated

with proposed detention basins with a certified soil evaluator who determined the estimated seasonal high ground water elevations. It is recommended as a condition of subdivision approval that no detention basins or house basements or finished floors are to be constructed into the elevation of the seasonal high ground water.

Utilities

The plan shows public water and sanitary sewer connections to the proposed lots. The Lincoln sewer supervisor has stated that sanitary sewers are available. Gravity sewers are proposed with two individual house lots to be connected via (private) forcemains to the gravity sewers. Narragansett Bay Commission must approve the flows from the development as a condition of subdivision approval. A report of the proposed flows was included in the submission. The correct size sewer manhole cover must be used.

The superintendent of the Lincoln Water Commission (LWC) has communicated via email 12/6/07 to the Town Engineer the following: "The recent plans for the above subdivision dated November 2007 have received preliminary approval from the LWC. Water is available to serve the project and the Board of Commissioners has granted approval to connect to the system. Final approval will be contingent on receipt of construction detail drawings, a formal application, and payment of any necessary fees prior to installation of water utilities."

Based on the above noted minor concerns, the Technical Review Committee feels that the applicant can successfully address all of

these concerns as the project moves forward at the preliminary plan stage. Therefore, the TRC recommends that the applicant proceed to the public hearing stage of the review process.

5. Major Land Development Review

a. Highlands at Lincoln AP 31 Lots 38 and 40 Master Plan Discussion /

- Lincoln Development, LLC George Washington Hwy Approval

On December 13, 2007, the Master Land Development Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master land development plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Land Development Plan review must be made by April 11, 2008 or within such further time as may be consented to by the applicant.

The proposed project is to develop a 172,000 square foot Independent and Assisted Living Facility on George Washington Highway. The facility is situated on 12.2 acres of land zoned BL 0.5 and contain 112 Independent Care Units, 60 Assisted Living Units, and a separate 8 Unit - Independent Living building. In total, the proposed development will contain 180 units and 181,600 square feet

of gross floor area. This use is allowed in this zone by a Special Use Permit. The project will be serviced by public sewer and water. The main access will connect through the Lincoln Mall's eastern most signalized access road and access George Washington Highway at the lower signalized intersection. A roadway connecting to Old Louisquisset Pike will provide a secondary means of access/egress. This project will require zoning relief. Therefore, in order for it to proceed, the applicant would need conditional master plan approval of the plan according to Section 6(A)1 of the Subdivision Regulations. The Technical Review Committee and the Engineering Division reviewed the above proposed land development project according to the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a plan set entitled "Highlands at Lincoln", George Washington Highway, AP 31/ Lots 38 & 40, Lincoln, Rhode Island, Master Plan Submission prepared for Lincoln Development, LLC by Pare Corporation, dated December 11, 2007. Also submitted was "Master Plan Report for the Highlands at Lincoln" dated December 11, 2007 prepared by the above consultant for the above developer. The following are concerns that the TRC has about the proposed development.

Drainage/ environmental

Wetlands are located on and adjacent to the site. A verified RIDEM wetlands delineation was prepared for a permit encompassing this entire site several years ago. However, this project will require

approval from the RIDEM Wetlands program for preliminary plan approval as a new development. Approval of the Preliminary Plan will be contingent on receiving a new RIDEM Wetlands permit for this project. Drainage discharge to the State highway system in George Washington Highway (Route 116) must be approved by RIDOT through a Physical Alteration Permit (PAP). The drainage is proposed to be mitigated using an existing detention basin and a new detention basin to attenuate drainage. Approval of the Preliminary Plan will be contingent on receiving a PAP from the RIDOT for drainage discharge to George Washington Highway. The area drains to Manton Pond, a Town owned resource which constitutes the headwaters of the Mosshasuck River. Water quality mitigation must be carefully designed as a part of this project.

Traffic

The project proposes to construct an access roadway to George Washington Highway through the Lincoln Mall's eastern most signalized access road. The developer has obtained permission for this entrance road. The plans also show a road connection from the site to Old Louisquisset Pike. Approval of the Preliminary Plan will be contingent on receiving a PAP from the RIDOT for traffic and access to George Washington Highway as well as Old Louisquisset Pike.

Utilities

The development intends to connect to the Narragansett Bay Commission (NBC) interceptor in George Washington Highway for

sanitary sewer discharge via a pumping station. The project must obtain approval from the NBC. The developer will be responsible for the private pumping station and both gravity and force mains. The developer proposes to discharge to an existing sewer manhole through an easement on Lot 207 (the Sunoco Station). The Lincoln Water Commission (LWC) must approve the water service. Preliminary Plan approval will be contingent on receipt of a letter from the LWC stating that there is sufficient public water for the project and that the plans are acceptable. The Albion Fire Department must approve the development's water supply service for fire suppression.

Easements

This land development requires a number of easements. The following easements will be needed from and across Lots 207 and/ or 208 and AP 41 Lot 7 (the Lincoln Mall). The easements will need to be reviewed and approved by the Town Solicitor's office.

- Drainage
- Sanitary sewers
- Vehicular access

Zoning

The proposed project will require a special use permit for the use, a dimensional variance for the height of the building (greater than the maximum allowed by Zoning), and a variance from the parking requirement will be required (less than required by Zoning).

Based on the above noted minor concerns, the Technical Review Committee feels that the applicant can successfully address all of these concerns at the preliminary plan stage. Therefore, the TRC recommends that the applicant proceed to the public informational stage of the review process.

Zoning Applications (*) – January Zoning Applications

Please note, there are no Zoning applications scheduled for the month of January 2008.

Correspondence/Miscellaneous (*)

Please note, there is no Correspondence or Miscellaneous information this month.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

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Administrative Officer to the Planning Board